

MINUTES

OF THE REGULAR MEETING OF THE

EDINA CITY COUNCIL

HELD AT CITY HALL

DECEMBER 20, 2011

7:06 P.M.

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:06 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Brindle, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Items IV.A., Regular and work session meeting minutes of December 6, 2011, and work session meeting minutes of December 15, 2011, IV.F., Approve Engineering Services for 50th and France parking structure improvements, IV.H., Resolution No. 2011-132, Setting January 17, 2012 Public Hearings: 1. Improvement No. BA-385 Countryside Neighborhood Street Reconstruction; and, 2. Improvement No. BA-388 Richmond Hills Park Neighborhood Street Reconstruction, and IV.K, Appoint members to Neighborhood Identification Steering Committee, as follows:

IV.A. Regular and work session meeting minutes of December 6, 2011, and work session meeting minutes of December 15, 2011

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated December 8, 2011, and consisting of 31 pages; General Fund \$150,182.87; Communications Fund \$17,756.89; Police Special Revenue \$153.74; General Debt Service Fund \$425.00; PIR Debt Service Fund \$425.00; Working Capital Fund \$205,727.60; Equipment Replacement Fund \$780.00; Art Center Fund \$3,326.74; Golf Dome Fund \$2,797.82; Aquatic Center Fund \$3,149.75; Golf Course Fund \$8,519.02; Ice Arena Fund \$48,459.51; Edinborough/Centennial Lakes Fund \$19,585.04; Liquor Fund \$267,901.51; Utility Fund \$66,335.33; Storm Sewer Fund \$473.77; PSTF Agency Fund \$4,698.04; Payroll Fund \$3,095.71; TOTAL \$803,793.34; and for approval of payment of claims dated December 15, 2011, and consisting of 30 pages; General Fund \$156,256.79; Communications Fund \$8,021.95; Police Special Revenue \$606.44; Working Capital Fund \$124,836.87; Equipment Replacement Fund \$18,895.50; Construction Fund \$24,751.30; Art Center Fund \$4,431.30; Golf Dome Fund \$299.93; Aquatic Center Fund \$85.35; Golf Course Fund \$21,158.79; Ice Arena Fund \$4,710.26; Edinborough/Centennial Lakes Fund \$10,977.87; Liquor Fund \$192,273.29; Utility Fund \$133,940.23; Storm Sewer Fund \$34,116.47; Recycling Fund \$38,820.60; PSTF Agency Fund \$258,150.80; TOTAL \$1,032,333.74; and, Credit Card Transactions dated September 27, 2011 – October 25, 2011; TOTAL \$10,994.38.

IV.C. Request for Purchase, 14 Titan Assault Enhanced Tactical Vests – Police Department, awarding the bid to the recommended low bidder, Streicher's at \$34,300.00.

IV.D. Adopt Resolution No. 2011-131, approving an amendment to the City's Financial Management Policies

IV.E. Adopt City of Edina Comprehensive Water Resource Management Plan

IV.F. Engineering Services for 50th and France parking structure improvements

IV.G. Approve Engineering Services for Gallagher Drive street improvements

IV.H. Resolution No. 2011-132, Setting January 17, 2012 Public Hearings:

1. Improvement No. BA-385 Countryside Neighborhood Street Reconstruction

2. Improvement No. BA-388 Richmond Hills Park Neighborhood Street Reconstruction

IV.I. Request for Purchase, sewer jetter, awarding the bid to the recommended low bidders, Astleford International Trucks at \$84,639.81 and ABM Equipment & Supply at \$233,680.00.

IV.J. Adopt Resolution No 2011-133 West 70th Street speed limit

IV.K. Appoint members to neighborhood Identification Steering Committee

IV.L. Request for Purchase, 4-wheel drive pick up truck, Fire Department, awarding the bid to the recommended low bidder, Ranger GM at \$36,170.84.

IV.M. Approve construction management services for York Liquor Store remodel

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.A. MINUTES APPROVED – REGULAR MEETING MINUTES OF DECEMBER 6, 2011, AS CORRECTED AND WORK SESSION MEETING MINUTES OF DECEMBER 6, 2011, AND WORK SESSION MEETING MINUTES OF DECEMBER 15, 2011, AS PRESENTED

Member Sprague made a motion, seconded by Member Swenson, approving the regular December 6, 2011, meeting minutes as amended on Page 2, to indicate: “Mr. Houle advised the mapping of traffic complaints was on staff’s to-do list for the winter season, and would be completed by the spring.” and approving the work session meeting minutes of December 6, 2011, and December 15, 2011, as presented.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.F. ENGINEERING SERVICES FOR 50TH AND FRANCE PARKING STRUCTURE IMPROVEMENTS APPROVED

Public Works Director/City Engineer Houle advised the City Attorney had reviewed the two engineering services proposals and combined them into one agreement. Attorney Knutson indicated the issue of limitations on liability had been satisfied with the agreement, as redrafted. **Member Swenson made a motion, seconded by Member Brindle, approving engineering services agreement for 50th and France parking structure improvements.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.H. RESOLUTION NO. 2011-132 ADOPTED – SETTING JANUARY 17, 2012 PUBLIC HEARINGS:

1. IMPROVEMENT NO. BA-385 COUNTRYSIDE NEIGHBORHOOD STREET RECONSTRUCTION

2. IMPROVEMENT NO. BA-388 RICHMOND HILLS PARK NEIGHBORHOOD STREET RECONSTRUCTION

The Council discussed its recent policy decision to obtain a recommendation from the Edina Transportation Commission (ETC) on street project feasibility studies prior to Council consideration. Mr. Houle explained staff was trying to include ETC review in the schedule along with public informational meetings, public hearings and advantageous timing to obtain bids ahead of other municipalities. He noted that in this case, a special meeting of the ETC would be needed to receive its recommendation prior to Council consideration. In the future, staff would develop a schedule to start earlier so presentation of the feasibility study to the ETC could be accommodated. A suggestion was made that it might be beneficial if the ETC met earlier in the month on the first Thursday. **Member Sprague made a motion, seconded by Member Bennett, supporting the ETC calling a special meeting to review the feasibility related to Improvement No. BA-385, Countryside Neighborhood Street Reconstruction, and Improvement No. BA-388, Richmond Hills Park Neighborhood Street Reconstruction and directing staff to prepare a feasibility report in advance of that meeting to be presented for street reconstructions that cannot otherwise be considered at their regular meeting date.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett introduced and moved adoption of Resolution No. 2011-132, setting a public hearings for January 17, 2012 for Neighborhood Street Reconstruction for: Countryside, Improvement No. BA-385, and Richmond Hills Park, Improvement No. BA-388. Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.K. MEMBERS TO NEIGHBORHOOD IDENTIFICATION STEERING COMMITTEE APPOINTED

Assistant Manager Kurt indicated one of the first agenda items for the Steering Committee would be preparation of a work plan and a more formal process for the Council's review. **Member Sprague made a motion, seconded by Member Bennett, approving appointment of members to Neighborhood Identification Steering Committee.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. PREVENTION WORKS 2011 PROCLAMATION ADOPTED

Mayor Hovland read in full a Proclamation declaring Prevention Works! Campaign during the weeks of December 20, 2011 through January 2, 2012 throughout the City of Edina. **Member Sprague introduced and moved adoption of Prevention Works! Campaign Proclamation.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Chemical Health Coordinator Kathy Iverson reported on activities of the Edina Chemical Health Partners Coalition and commitment to safe and sober driving. The Council extended its appreciation to Ms. Iverson and the Coalition.

VI. PUBLIC HEARING HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. VACATION OF EASEMENT 5023 NOB HILL DRIVE – RESOLUTION NO. 2011-130 ADOPTED

Mayor Hovland recused himself due to a conflict of interest.

Mr. Houle presented staff's recommendation to vacate the existing utility and drainage easement located between Lot 1, Block 1, Oak Ridge of Edina, and Lot 8, Block 1, Engstrom Marnie Addition, conditioned on dedicating a utility and drainage easement at the new lot line. He advised that no utility companies voiced objection to the easement relocation

Mayor Pro Tem Swenson opened the public hearing at 7:21 p.m.

Public Testimony

Steve Willett, 5705 Kemrich Drive, described the generosity of Jim May, the previous owner, and asked that his legacy be remembered.

Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2011-130, granting the vacation of public utility and drainage easements, 5023 Nob Hill Road. Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson

Motion carried.

Mayor Hovland returned to the Council dais to chair the remainder of the meeting.

VII. COMMUNITY COMMENT

William Glahn, 6634 Normandale Road, commented on the Green Steps Program and related initiatives that had been divisive in other communities.

Steve Willett, 5705 Kemrich Drive, stated his concern with recent police activities and indicated he had contacted the Attorney General's Office, Minnesota Attorney General's Office, and Bureau of Criminal Apprehension requesting intervention in the interest of the public.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. APPEAL OF EDINA PARK BOARD RECOMMENDATION REGARDING EDINA AQUATIC CENTER SWIM TEAM USE POLICY CONSIDERED

Park and Recreation Director Keprios presented the Edina Swim Club's appeal of the Park Board's decision relating to the Edina Aquatic Center Swim Team Use Policy. Attorney Knutson advised the City to honor the Facilities Use Policy executed with Aquajets Swim Club for 2012 so it was not held in breach of contract. Mr. Keprios noted a lot of input was provided from both parties in writing.

Mr. Keprios reviewed the creation of the Youth Sports Task Force (YSTF) that had developed findings, through 13 months of study and community input. One finding was that it served residents' best interest to recognize one official body for each organized sports club. The Council had approved that recommendation, and the Edina Swim Club was the recognized body for swimming clubs. However, the City did not have a Facilities Use Policy for use of the Edina Aquatic Center or any enterprise facility. Mr. Keprios explained the relationship document identified the relationship between Edina and independent athletic associations, including requirement for background checks, submittal of financial statements

and minimum insurance coverages. He noted staff had made a recommendation to the Park Board, but it felt there was not enough information to act at its November meeting.

The Council indicated it supported recognizing the Edina Swim Club as the primary swim club, noting this distinction had been previously granted with the YSTF findings. The 90% residency requirement was discussed. Mr. Keprios explained the 90% requirement had been established by the YSTF because, at that time, all teams met that threshold; however, the Edina Swim Club does not meet that requirement. He indicated staff came forward with a recommendation of 75% for the primary swim club because it seemed to be keeping with best practices of other communities. The Council discussed the need to assure the City's documents were internally consistent, and support was expressed to redact the 90% residency requirement for swim clubs and establish it at 75%. An option was suggested to establish the residency requirement based on a combination of total association membership and percentage of residents.

The Council reaffirmed support for its long-standing policy to designate one principal athletic association per sport because these groups fulfill the need for organized athletics within the community in lieu of the City's Parks and Recreation Department offering this programming. It was recognized that this designation favored Edina associations, creating a "hometown advantage" for associations that were open to all and not involved in recruitment of elite players. The Council agreed its role was to establish policy, not resolve a dispute between two organizations, and it was legally and morally bound to honor the agreement struck with the Aquajets Swim Club for 2012. However, in future years the City would recognize the Edina Swim Club as its principal swim club, providing advance notice to the Aquajets Swim Club that there would be changes to priority scheduling at the Edina Aquatic Center.

The Council indicated the Youth Sports Agreement was cumbersome and should be reviewed and simplified. Support was expressed to draft an Aquatic Center Facilities Policy that mirrored the Outdoor Facilities Policy, designated the Edina Swim Club as the recognized youth sports association in swimming and included a 75% residency requirement for the swim club. The Council supported maintaining a 90% residency requirement for all other associations.

With regard to other enterprise facilities, Mr. Keprios reviewed that when the Ice Arena was constructed, there was an agreement with figure skaters, school programs, and hockey associations to buy ice time. Other than that, there was no written policy on priority access for the Ice Arena, and staff would be reluctant to draft such a policy since it was not needed.

Member Sprague made a motion, seconded by Member Swenson, reaffirming the Edina Swim Club as the youth sports organization having primary access to City-owned swimming facilities and directing staff to draft an edited relational document and priority Aquatic Center Facilities Policy with a 75% residency requirement. The Council discussed the motion and asked questions of Mr. Keprios who explained the first priority was given to City programs, the second priority was designated sports organization and remaining pool time was offered to other users. Historically, the Edina Swim Club had not used evening hours, so that time had been offered to the Aquajets Swim Club.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.B. RESOLUTION 2011-128 ADOPTED – SETTING 2012 TAX LEVY AND ADOPTING 2012 OPERATING BUDGET

Manager Neal summarized the 2011 Citizens League budget workshops, final report, findings and staff's conclusions. The Council agreed with the benefit of the Citizens League workshops and endorsed following a similar process for future budgets. To increase resident participation it was suggested that future budget workshops be scheduled in quadrants of the City and at different times of the day. Staff was recognized for facilitating the workshops.

Mr. Neal presented the proposed 2012 budget priorities, total tax levy increase of 1.79%, levy history, tax impact on homestead residential and commercial properties, tax comparison to surrounding communities and property tax relief contained in the 2012 budget. Mr. Neal also presented the proposed 2012 budgets for the enterprise funds and the City's debt profile. It was noted the 2012 number of full-time staff would be two fewer than in 2008/2009. The Council extended its appreciation to staff for its work on the budget to assure the City provided a high level of service at the most economical cost. **Member Brindle introduced and moved adoption of Resolution No. 2011-128 adopting the budget for the City of Edina for the year 2012, and establishing tax levy for Year 2012, payable in 2012.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. ORDINANCE NO. 2011-21 ADOPTED – AMENDING SECTION 300.17 ADDING PROVISIONS ALLOWING FEES FOR REGISTRATION OF DANGEROUS DOGS

Police Chief Long presented the recommended amendment to allow charging a fee, as authorized by State Statute, if registering a dangerous dog. **Member Swenson made a motion to grant First Reading**

to Ordinance No. 2011-21 amending the Edina City Code concerning dangerous dogs. Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Sprague made a motion to grant Second Reading and adopt Ordinance No. 2011-21 amending the Edina City Code concerning dangerous dogs. Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.D. ORDINANCE NO. 2011-18 ADOPTED – SETTING FEES FOR 2012

Mr. Wallin advised that the changes directed by the Council had been made to Schedule A pertaining to Code references. The Council discussed that the ordinance does not contain a provision that would allow consideration of a request for waiver of fees. It was noted some communities waive fees to use park shelters for neighborhood association meetings or by nonprofit or civic organizations. The Council requested staff to research policies of neighboring communities relating to waiver of fees and provide a report at a subsequent meeting. **Member Bennett made a motion to grant Second Reading and adopt Ordinance No. 2011-18, setting fees for 2012. Member Sprague seconded the motion.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.E. ORDINANCE NO. 2011-20 ADOPTED – CONCERNING REAL ESTATE SIGNS IN THE R-1 AND R-2 ZONING DISTRICTS

City Planner Teague stated the ordinance had been revised, as directed by the Council, to reduce the sign height from ten to eight feet. The Council discussed the ordinance amendment, noting the Realtor's Association endorsed this ordinance amendment and staff had received no calls of objection. Member Bennett stated she was familiar with the correspondence and also had noted in the community that several realtors, in both small and large companies, were innovating with smaller-sized signs. **Member Sprague made a motion to grant Second Reading and adopt Ordinance No. 2011-20, amendment concerning real estate signs in the R-1 and R-2 Zoning District. Member Brindle seconded the motion.**

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

VIII.F. RESOLUTION NO. 2011-129 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2011-129 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.G. DATE SELECTED FOR 2012 ANNUAL DINNER MEETING WITH BOARDS AND COMMISSIONS

Following discussion of availability, **Member Bennett made a motion, seconded by Member Sprague, scheduling the 2012 annual dinner meeting with Boards and Commissions on March 19, 2012, at Centennial Lakes, 5 p.m.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.H. DATE SELECTED FOR 2012 ANNUAL VOLUNTEER RECOGNITION RECEPTION

The Council acknowledged a resident comment related to the length of recognition speeches. Mr. Neal stated staff would discuss this concern and determine options. Following discussion of availability, **Member Sprague made a motion, seconded by Member Swenson, scheduling the 2012 annual volunteer recognition reception on April 23, 2012, in the Braemar Room of the Warren C. Hyde Clubhouse, 5 p.m.** Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.I. ORDINANCE NO. 2011-22 ADOPTED – SETTING 2012 MORNINGSIDE AREA UTILITY RATES

Mr. Wallin indicated the City of Minneapolis adopted a rate of \$3.20, which at 62% would equal an amount charged to Edina of \$1.98 per 100 cubic feet. The total rate for 2012 would be the Minneapolis rate of \$1.98 per 100 cubic feet plus Edina's consumption rate of \$.38, equaling \$2.36 per 100 cubic feet. This rate would compare to \$2.34 charged in 2011. **Member Bennett made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2011-22 setting 2012 Morningside Area Utility Rates. Member Sprague seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.A. VALLEY VIEW ROAD AND SALLY LANE TREE DELIMBING REAFFIRMED

Mr. Houle explained there had been miscommunication relating to the difference between trimming back limbs and removing limbs. He presented pictures depicting the subject site and location of pine trees that had been trimmed back to create sight lines. Mr. Houle explained the engineering calculation for the 200-foot site stopping distance and indicated the recommendation of Benner's engineer had been to trim back the branches but not remove branches from the tree trunk. Mr. Houle noted the Council had referenced City Code prohibiting the planting of evergreen trees in the boulevard; however, there were many locations in Edina where evergreen trees had been planted in a similar fashion. Mr. Knutson stated there were several issues; when the code provision prohibiting those trees was adopted and when the trees were planted. He indicated some cities do prohibit planting anything in the right-of-way.

The Council clarified it had not accepted the recommendation of WSB Engineering to remove the trees nor the conservative recommendation of Benner's engineer to only trim back the branches. Rather, the Council found a "middle ground" and directed the removal of all vegetation (branches) to a height of eight feet to accommodate snow weight and the view from larger-sized vehicles. The Council agreed the 200-foot stopping distance as recommended by Benner's engineer would not allow enough reaction time.

Mr. Knutson stated at the last meeting the Council indicated it would try staff's recommendation but if it was not adequate it was the Council's discretion to make another decision. He noted if the Benners do not like the decision to delimb to a height of eight feet, the Benners had the right to challenge that

decision. **Member Sprague made a motion, seconded by Member Swenson, reaffirming Council direction that the subject conifer trees be delimbed to a height of eight feet within two weeks.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, January 3, 2012.

James B. Hovland, Mayor

Video Copy of the December 20, 2011, meeting available.